

14CV1345

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JULIO MONTANO, Plaintiff,)
)
 v.)
)
 C. ENWEREUFOR, Correction)
 Officer, in his individual)
 capacity, Defendant.)

) Civ. Action No. _____

) DECLARATION

26-2014

PRO SE PLAINTIFF

JULIO MONTANO states:

1. I am the plaintiff in the above-entitled case and make this declaration in support of my motion for the appointment of counsel.
2. The complaint in this case alleges that Plaintiff was subjected to excessive force by being thrown to the floor by a correction officer without need or provocation, causing injuries, and that this violated the Eighth Amendment and constitutes state law torts of assault and battery.
3. This is a complex case because it involves several different legal claims, each requiring proof of varying facts.
4. This case involves medical issues that may require expert testimony.
5. Plaintiff has demanded a jury trial.
6. This case will require discovery of documents and depositions of a number of witnesses.
7. Plaintiff has no legal education.
8. As an incarcerated, pro se litigant, Plaintiff has very limited access to legal materials and research and no ability to investigate the facts of the case, for example by locating and interviewing other inmates and staff who witnessed the incident and investigated it.

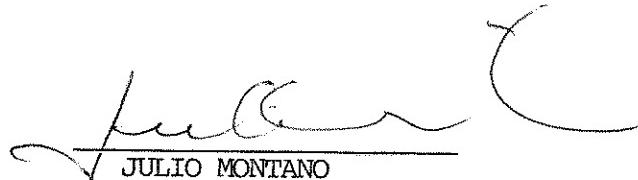
9. The testimony in this case will be in sharp conflict, because Plaintiff alleges defendant assaulted him, while Defendant will likely claim his use of force was justified.

10. As set forth in the accompanying Memorandum of Law, these facts, along with the legal merit of Plaintiff's claims, support the appointment of counsel to represent Plaintiff.

WHEREFORE Plaintiff's motion for appointment of counsel should be granted.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 13 day of FEBRUARY, 2014.



JULIO MONTANO